



Gustavo F. Bruckner
Partner

June 24, 2016

VIA ECF TO:

Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Huebner v. Midland Credit Management, Inc. et al., No. 1:14-cv-06046-BMC
Letter Requesting Pre-Motion Conference

Dear Judge Cogan:

Pomerantz LLP (“Pomerantz”), co-counsel for plaintiff Levi Huebner (“Plaintiff”), submits this letter pursuant to Rule III, subsection (A)(2) of your Honor’s Individual Practices in order to request a pre-motion conference.

The anticipated motions concern: (1) a request to file under seal; and (2) a motion for Pomerantz to withdraw as one of Plaintiff’s counsel from the above-mentioned matter. Good cause exists to file under seal because the underlying motion to withdraw, together with its supporting documents, contains or references information protected by the duty of confidentiality and/or the attorney-client privilege. Plaintiff does not waive its right to that privilege; nor does Pomerantz intend to breach its duty of confidentiality. Pomerantz proposes to comply with its professional responsibilities by filing the underlying motion under seal. To the extent further safeguards are necessary to protect Plaintiff’s confidentiality, Pomerantz will also request *in camera* review of the motion to withdraw and any supporting documentation. *See Team Obsolete Ltd.*, 464 F.Supp.2d at 166-67 (to protect its client’s confidentiality, Movant may request leave to file under seal or request *in camera* review).

Further, good cause exists for the motion to withdraw as counsel because Plaintiff and Pomerantz have a fundamental disagreement that prevents Pomerantz from carrying out its obligations both to Plaintiff and the Court. This fundamental disagreement has culminated into an irreconcilable conflict which merits the withdrawal of Pomerantz. An attorney who has appeared as attorney of record for a party may withdraw by order of the Court. Eastern District of New York Local Rule 1.4. Good cause for withdrawal exists when, *inter alia*, the client insists upon taking action with which the lawyer has a fundamental disagreement, the client insists upon presenting a claim that is not warranted under existing law and cannot be supported by good faith

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argument for an extension, modification or reversal of existing law, and the client otherwise renders the representation unreasonably difficult for the lawyer to carry out his or her duties effectively. New York Rules of Professional Conduct Part 1200, Rule 1.16(c)(4), (6)-(7). See also American Bar Association Model Code (“Model Code”) Rule 1.16(b) (same). As will be argued in detail in the anticipated motion, good cause exists to have the motion sealed and Plaintiff will not be prejudiced by this withdrawal as he is currently represented by counsel who have been actively involved in this litigation from the outset. Further, Pomerantz has not been compensated for its work in this action, nor will Pomerantz be requesting any such compensation.

Sincerely,



Gustavo F. Bruckner

*cc: All Counsel
Plaintiff Levi Huebner*